



Saskatchewan Labour
Labour Relations and
Mediation Division

CONFLICT RESOLUTION



A Workshop on Joint Problem Solving

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Theory of Conflict

What is Conflict?

"To come into collision or disagreement; be contradictory, at variance or in opposition; clash." (Webster)

"A prolonged fight or struggle, opposition, disagreement or clash. A form of competitive behaviour between people or groups. Occurs when two or more people compete over perceived or actual incompatible goals or limited resources." (Boulding)

"Every fight is one between different angles of vision, illuminating the same truth." (Mahatma Gandhi)

Conflict is a fact of life. It is the perceived opposition of needs, values, goals or perceptions resulting in stress or tension. Conflict is a normal part of everyday life and can be a positive or negative experience. What we have the power to change is not that conflict exists, but how we respond to it.

Traditional problem solving often falls short of its potential because the parties either enter the discussion with the assumption that one must win and the other lose or because they do not have the necessary skills and understanding required to use a joint problem solving approach. Fortunately, however, more and more of us are realizing that the cost of winning at someone else's expense is too high. No one truly wins in the long run.

OUR GOAL:

to provide insight on conflict, including how and why people end up in conflict, the communication skills people need to reduce or prevent conflict and a model to follow when implementing joint problem solving.

YOUR CHALLENGE: to increase your understanding of conflict and explore new ideas on how to respond to it.

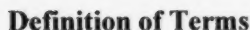
Remember . . .

*"If the only tool you have is a hammer,
you tend to see every problem as a nail."*

Abraham Maslow

The following continuum shows the range of options for problem solving. As we move through the continuum from left to right the participants continue to lose control over the process used for problem solving, and the end result can be a decision imposed on them with no recourse.

The Intervention Continuum

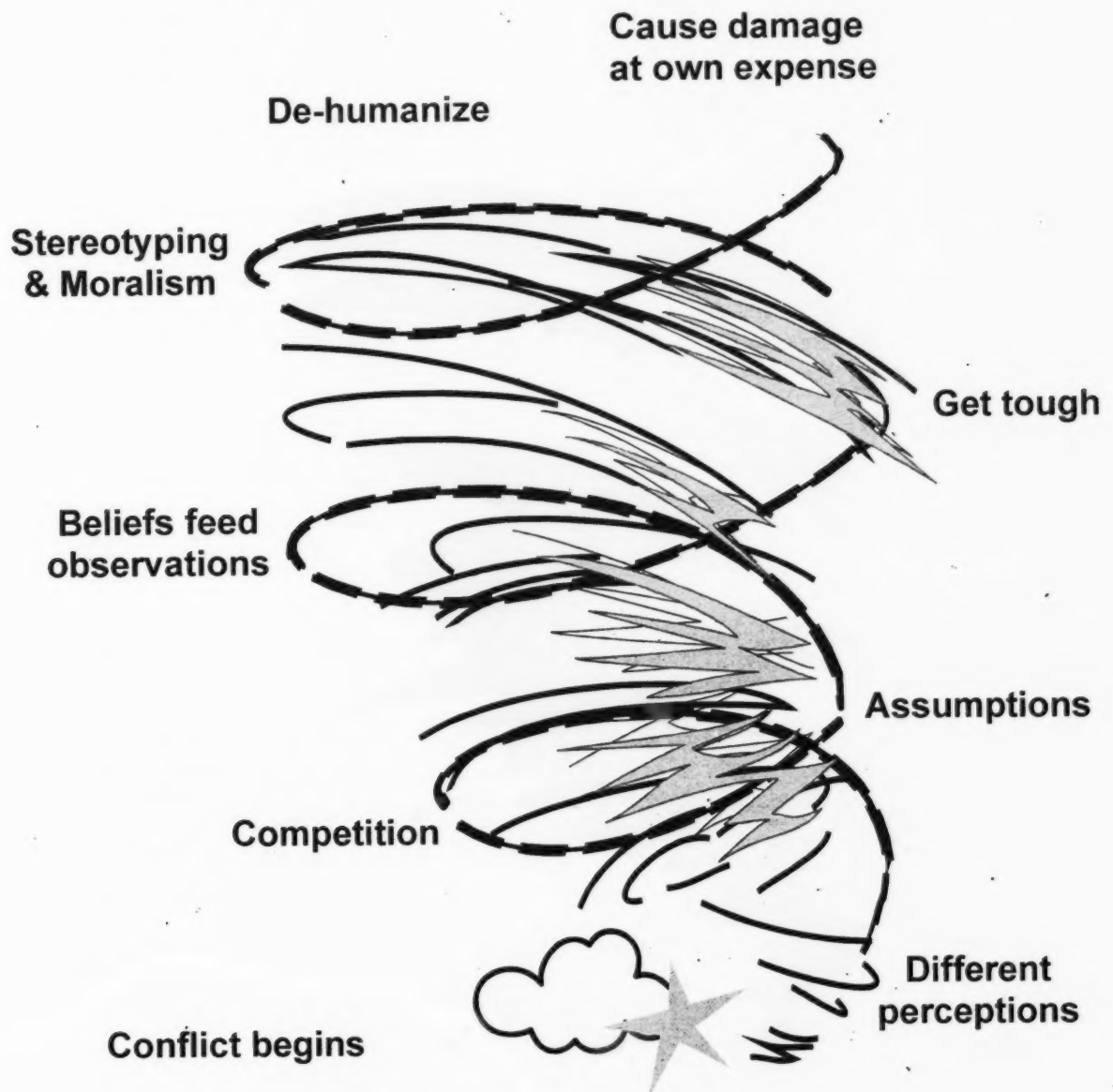


Adjudication: A third party acts as a judge in a competition, court, tribunal, etc.

The ESCALATION of Conflict

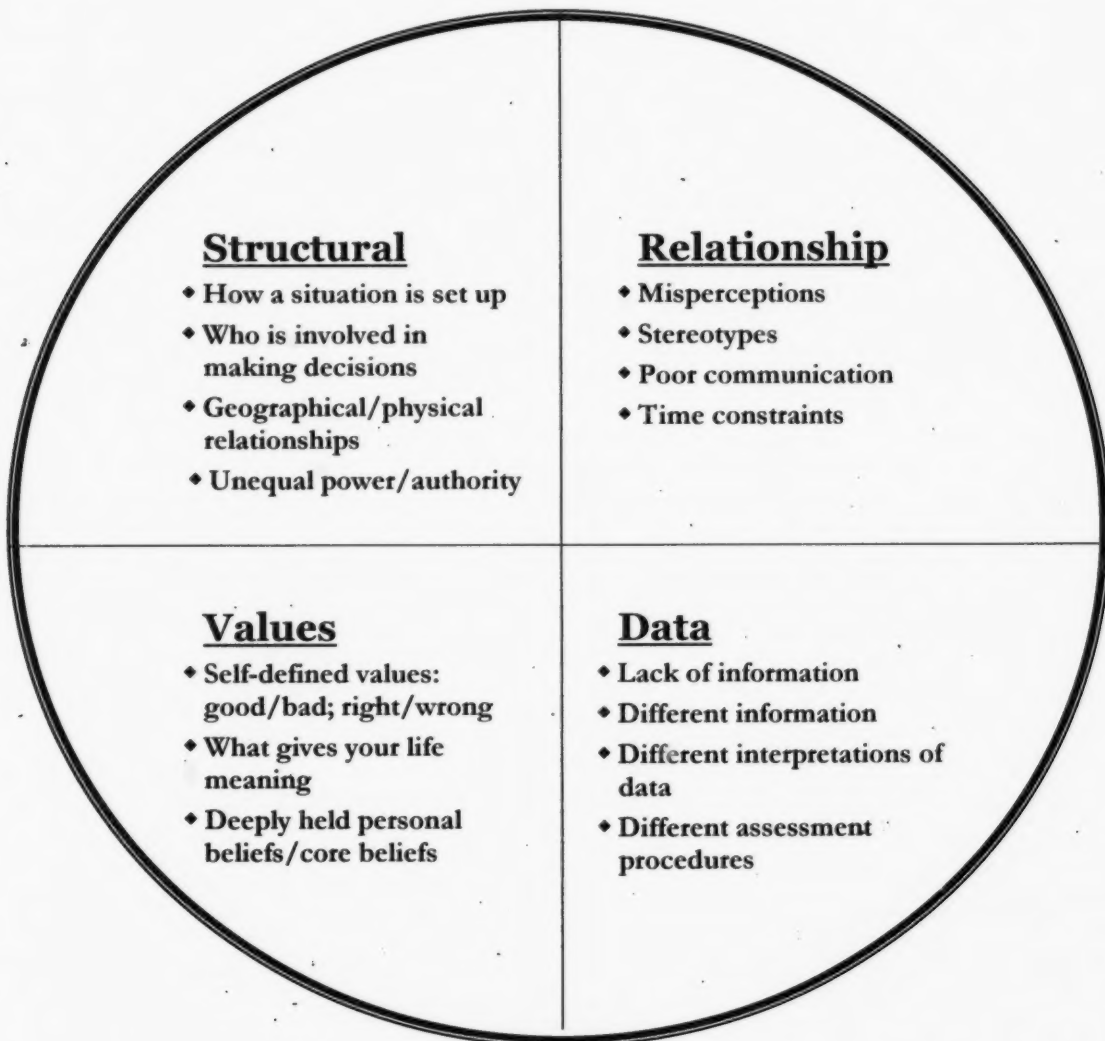
The same pattern can be identified in all types of conflict if it remains unchecked: conflict escalates, develops a "life of its own."

Once escalated, if the parties do not seek assistance or consciously withdraw the following spiral can unfold.



Types of Conflict

There are four different types of conflict: structural, relationship, values and data. These types of conflict are often interrelated. When in conflict with another person/party you can be experiencing more than one type of conflict at a time.



*Adapted from CDR Associates, Boulder, Colorado – February 1993

Five Styles of Resolving Conflict

The following five categories show five general styles of resolving conflict. Your personal style may vary depending on the situation you find yourself in and the person you are dealing with, just to name a few. It is also important to recognize that there is no *right* style; different styles may be appropriate in different situations.

Competing:

You tend to pursue your own concerns at the other's expense. This is a power-oriented mode, in which one uses whatever power seems appropriate to win one's position. This may include your ability to argue, your rank or economic sanctions. Competing might mean standing up for your rights, defending a position that you believe is correct, or simply trying to win.

Avoiding:

You tend not to address conflict and not to pursue either your own concerns, or those of the other. Avoiding may take the form of diplomatically sidestepping an issue, postponing, or simply withdrawing from a threatening situation.

Accommodating:

You tend to neglect your own concerns to satisfy the concerns of the other, involving an element of self-sacrifice. Accommodating may mean selfless generosity or charity, obeying another's order when one would prefer not to, or yielding to another's point of view.

Compromising:

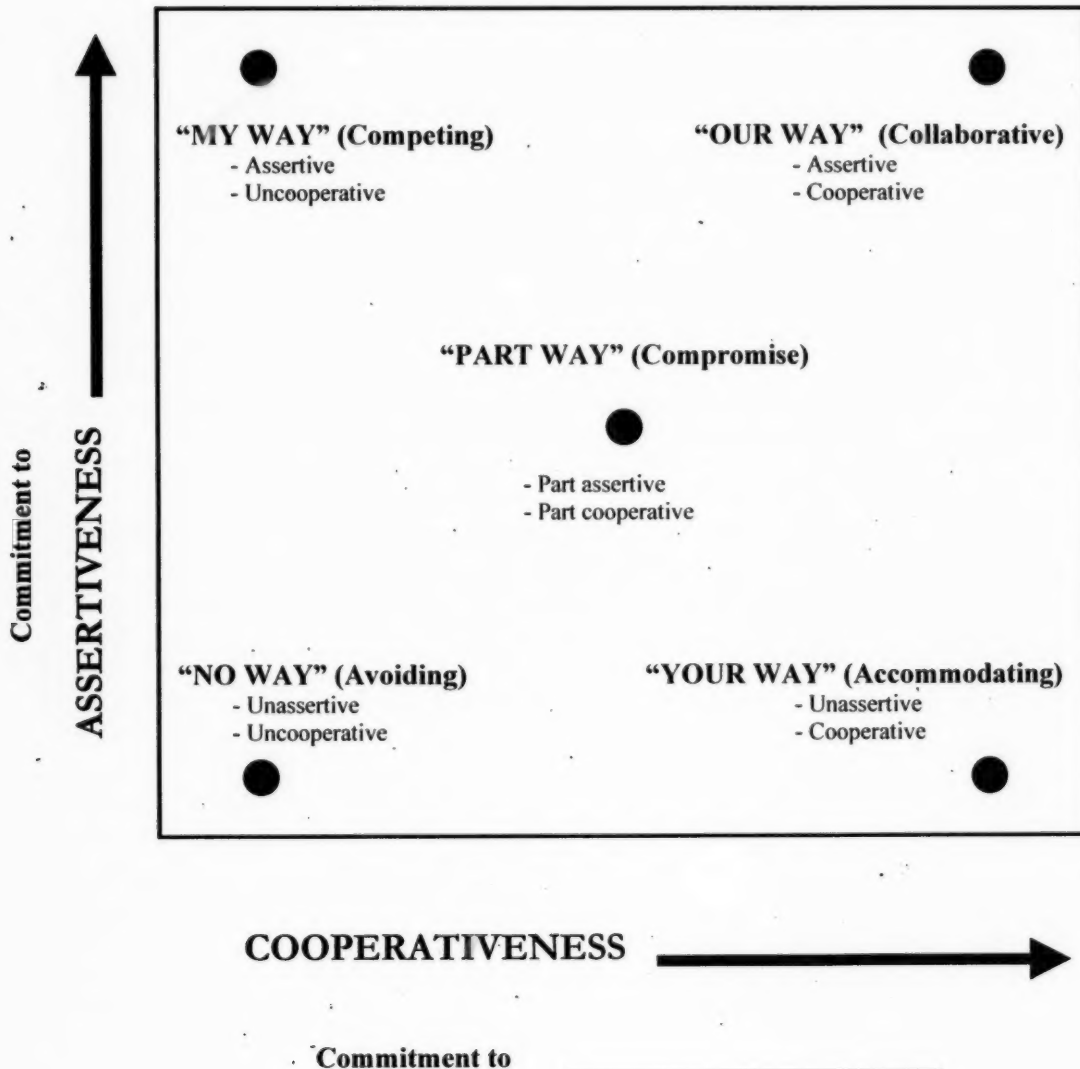
You tend to look for some expedient, mutually acceptable solution, which partially satisfies both. It represents the middle ground between competing and accommodating – giving up more than competing, but less than accommodating. It addresses an issue more directly than avoiding, but not in as much depth as collaborating. It may mean splitting the difference, exchanging concessions, or seeking a quick middle ground.

Collaborating:

You tend to attempt to work with the other person to find some solution that fully satisfies the concerns of all people. It means digging into an issue to identify the underlying concerns and creating alternatives, which meets the needs of both sets of concerns. It might mean exploring a disagreement to learn from each other's insights, or confronting and trying to find a creative solution to an interpersonal problem.

(The above categories are adapted from the "Thomas-Kilmann Conflict Mode Instrument", by Kenneth W. Thomas and Ralph H. Kilmann, published in 1974 by XICOM, INCORPORATED)

Five Styles of Resolving Conflict



Positional Problem Solving vs. Interest Based Problem Solving

Positional Problem Solving

A positional approach to problem solving focuses on the people. Disputants believe that resolution of the problem will occur if they ultimately dominate, or accept domination by the other disputants. Attempts to diminish differences usually end up in *compromise*. This is where each party gives up something important to them, and in that way disputants *meet in the middle*. Positional problem solving promotes a win/lose approach, and emphasizes confrontation rather than co-operation.

What Are Positions

Positions are our ideal fix or solution to a problem. Each party views and understands a problem or situation in his or her own particular way. Their position is what they would like to fix the situation, as they see it. It is based on the information the party has prior to negotiation.

There are two ways to be positional. One way is by using a *soft position* and the other way is by using a *hard position*.

Soft Position

- Avoid conflict
- Friends
- Change your solution easily
- Concede generously
- Avoid a contest of will
- Make concessions for the relationship
- Back down to ultimatums

Hard Position

- Win
- Adversaries
- Dig into your solution
- Concede stubbornly
- Win a contest of will
- Demand concessions to have a relationship
- Make threats

A position can be recognized by the language used to present it:

I want/you want
I don't want/you don't want

I refuse to/you refuse to
I have to/you have to

Everyone ought to
The way to

I will/you will
I will not/you will not

I need to/you need to
I should/you should

I never/you never
I always/you always

Interest Based Problem Solving

The ultimate purpose of interest based problem solving is not simply to reconcile conflicting positions, but to satisfy the underlying interests of both parties. Negotiators often assume that if positions are opposed, then interests must be opposed as well. Interests, however, are often shared or compatible, opening up a whole new range of solutions.

The interest based approach is a form of joint problem solving and can achieve the following:

- promote creative solutions
- re-build trust and open communication
- develop respect and understanding between the parties
- uncover fair standards
- enhance relationships

What Are Interests?

Interests can be described as our underlying needs, goals, concerns and fears. Interests tend to be the motivators behind positions; positions are put forward as unilateral solutions to interests. Interests are often identified by asking questions. We need to remain curious and ask a number of questions to get a good sense of the underlying needs.

It is important not only to understand the other person's interests, but also to be able to clarify and voice your own interests. Creative and durable agreements will only be reached if both sets of interests are met.

The satisfaction triangle is used to describe the relationship between the different types of interests. Interests are often described as being of three general types: substantive, procedural and psychological.

Examples of interests might be:

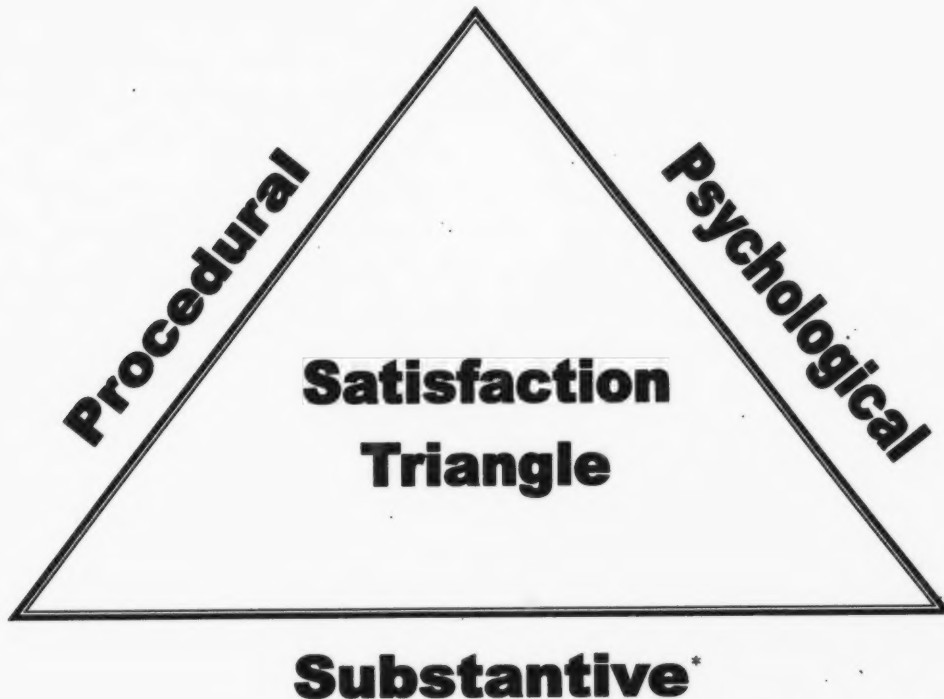
Peace of mind	Recognition	Security	Safety	Relaxation
Excitement	Achievement	Being Valued	Profitability	Reliability
Privacy	Efficiency	Balance	Inclusion	Participation
Respect	Control	Fairness	Health	Enjoyment

A position is **WHAT** people want and an interest is **WHY** they want it.

We seem to be able to present the **WHAT** very easily and we become very attached to it very quickly. Interest based conflict resolution is about spending time to find out the **WHY** so that everyone at the table has the opportunity to meet their interests in a way that maintains or builds the relationship and resolves the difference. The focus on interests allows for a more creative and broader discussion. A focus on positions allows for arguments that support the original positions of each party and often ends when the weaker party wears-out or folds.

The Satisfaction Triangle

The satisfaction triangle illustrates the interdependence of the three kinds of interests.



- **SUBSTANTIVE:** concrete needs such as money, time or resources, etc.
- **PROCEDURAL:** needs relating to the way an issue is resolved, (i.e.) did people have input? Was authority used to make the decision?
- **PSYCHOLOGICAL:** emotional needs regarding how you feel about the problem and the solution such as fair, valued or revengeful.

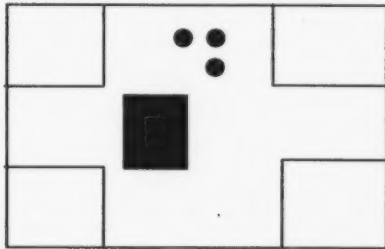
Reaching an effective and durable agreement will be difficult, if not impossible, if you have met only one or two sets of the above interests. A settlement or agreement is not “truly” complete unless there is “satisfaction” on each of the substantive, procedural and psychological needs of each party.

Most parties focus on substantive interests and may or may not even be aware of the procedural or psychological interests of their party or the other party. Most problem solving processes fail, however, because of unmet procedural or psychological interests, not unmet substantive interests.

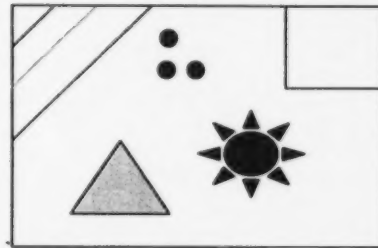
*Reproduced with permission of CDR Associates, Boulder, Colorado – February 1993

Giving Your Picture and Getting Their Picture

Communication for Joint Problem Solving



Party A's view or picture of problem

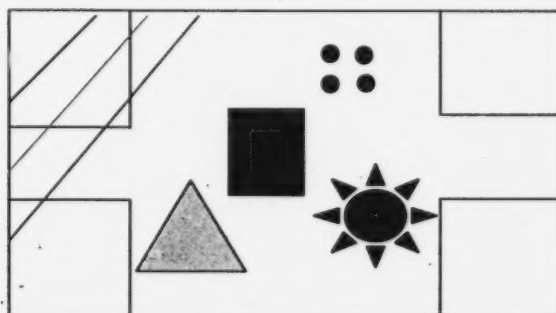


Party B's view or picture of problem

In positional problem solving each party has a picture or understanding of the problem from their own point of view. The solutions they put forward come from only "their picture" of the situation. These solutions are positions, and conflict arises when these positions are opposing. In positional problem solving, parties compete until one position or the other wins out.

In interest based problem solving, the parties use a process or model to create a new or "joint picture" of the problem. It is important to get each party's complete picture on the table. The new joint picture is created from the understanding of each individual picture of each party at the table.

It is necessary that all parties have the opportunity to talk about how they see things, what impact it has had on them and believe the other party (parties) understands what they are saying. It is only after this understanding takes place that creating joint options can occur.



Party A & B's view or picture of the problem

A new "picture" of the problem is constructed by combining all the individual parties' pictures. Solutions that address this new picture or more complete understanding of the problem are brainstormed and worked on by all parties. Options that work for the large picture are often acceptable to all participants and mutual agreement can be reached.

Non-Verbal and Verbal Communication

Our goal for promoting better communication is to achieve understanding. The basic human needs of being valued and understood are very important. In joint problem solving, the other person(s) needs to see and understand without qualifying or judging. It is through this kind of effective communication that you can discover and explore interests. The challenge for us, as givers and receivers of communication, is to send and interpret messages as accurately as possible. This requires a range of communication skills and, often, a great deal of patience!

Communication can be divided into two broad categories, non-verbal and verbal communication. Together, these two ways of communicating create 100% of the message we send someone or receive from someone. A message is derived through a combination of body language, tone of voice and choice of words.

_____ %	body language
+	+
_____ %	tone of voice
+	+
_____ %	words

= 100 %

= The Message

Non-Verbal Communication:

Over 90% of the messages we convey to others are expressed non-verbally, through body language, facial expression and pauses between words.

We interpret messages based on the combination of all of the above signals. How we interpret messages is colored by our own assumptions, fears and anticipation about what the speaker intends.

When we are communicating, particularly in conflict situations, it is important to remember that we send messages with more than just the words we use. If, while we are talking, we are also wagging our finger, rolling our eyes, frowning or raising our voice, the person listening to us will receive a message far beyond the words we speak.

If a speaker's non-verbal messages are not congruent with their verbal message, the listener will place more importance on the speaker's body language and tone of voice or their non-verbal message. Such incongruent messages can be responsible for igniting or escalating a negative environment.

Our goal is to increase awareness that as communicators we effect and are affected by non-verbal messages. We can either be helped or hindered by our own use of, or response to, non-verbal communicators.

Verbal Communication:

Less than 10% of the messages we convey to others are expressed verbally, through our choice of words.

Verbal communication can also be divided into two broad categories, assertion and active listening. The assertion skills are used when "Giving Your Picture," and the active listening skills are used when "Getting Their Picture."

Giving Your Picture

Assertive Communication

Assertive people stand up for themselves and also pay attention to the rights and feelings of others. Assertive people have both a willingness to be influenced and an ability to persuade. Assertive people can make direct requests and direct refusals.

When we speak assertively, we are relaxed and our voices are firm and well modulated. We convey both confidence and empathy. We are clear and easy to understand.

Communicating assertively means you make direct statements about your feelings, goals and preferences. Each of us is an expert on what we have seen or heard, what the impact on us has been and what we need or prefer in the future. Putting out this information is important because "Giving Your Picture" is the goal of speaking assertively. Speaking from your own perspective, or from "Your own side of the Table" involves using the word "I" and ensures that, as individuals, we take responsibility for our own actions, feelings, words, and tone. "I" statements help us separate the people from the problem; increases the clarity of the message; and allows us to confidently state our feelings, observations and needs. "I" statements allow us to open and keep open the lines of communication.

Assertive statements are NOT aggressive statements; the difference is how they are presented by the speaker, and how they are received by the listener. Speaking with "you" statements or from "Their side of the Table," often includes your assumptions and makes the listener feel blamed, judged and criticized. This approach often leads to a defensive response or moving off topic and in conflict situations can quickly escalate to flared tempers and anger.

Guidelines for asserting yourself

An assertive statement includes the following three parts:

1. How I feel about the situation – the emotional impact on you.
2. What I think – my perspective is shared by describing the situation without inference to the motives of the other party.
3. What I need – be clear and specific, including what you can or cannot do.

Assertive statement example

When learning how to speak assertively, you may want to start by following the four practice steps below:

- | | |
|---|---|
| 1. I feel...
(state the feeling) | I feel betrayed ... |
| 2. When you ...
(describe the other person's behavior) | When you told Bob something I told you
in confidence ... |
| 3. Because ...
(state the effect on you) | Because it's humiliating and makes me
feel I can't trust you. |
| 4. I need ...
(state what you would prefer) | I need to know that when I tell you
something personal and private, you
won't tell a single person. |

.Getting Their Picture

Active Listening

It is not always easy to hear another person's point of view or perception on an issue you see differently. When emotions are running high, it can be very challenging. Without the other person's picture, however, you cannot truly achieve collaboration or joint problem solving.

Listening to and confirming your understanding of their message or picture helps that person feel heard. Your ability to truly listen to the other side is a powerful tool in the joint problem solving process.

When people feel heard and understood they also feel respected and often this improves their ability to listen. The goal in joint problem solving is to have all the points of view or "pictures" heard and understood before attempting to problem solve.

Active listening is used to identify the content, feeling and meaning of a message. There are many reasons why people are seldom direct in expressing their ideas and feelings. Often it is not appropriate in our culture to confront people. Most people do not want to offend anyone, as no one likes being rejected. In addition, many people assume that the other party already knows how they feel. If a number of assumptions are made by both the sender and the receiver, confusion and possibly conflict can occur.

Active Listening Techniques

The following three techniques will assist you to listen actively: Reflecting Emotion and Content, Open Questions, and Summarizing.

Reflecting Emotion and Content

Reflecting Emotion: Underlying many statements is an emotional message. The speaker may express a feeling verbally, or you may decipher the feeling through a combination of the speaker's body language and your own intuition or "gut reaction." Reflecting the emotional content of the speaker's message can be a way to acknowledge and defuse that emotion. Often, a speaker will not feel they have been heard until this has occurred.

Reflecting Content: Reflecting the content of the speaker's statement can be done through paraphrasing or stating the essence of the other's content in your own words. It is important to be concise; reflect only the essentials; focus on the content; and, where possible, use the listener's key words. Do not, however, mimic the speaker's every word.

A reflective response can incorporate both emotion and content:

"...So you feel _____ because _____."

Open Questions

Effective questions to gather information are open and not closed. Closed questions tend to be narrow and can often be answered with a “yes” or “no” and limit the response. Open questions, on the other hand, require broad answers and invite the answerer to look deeper into their interests or concerns in order to respond.

Open questions should help the speaker “paint their picture.” Open questions should not be solution focused and ask the speaker what they want to fix the situation. This may entrench the speaker in their position.

Open questions often start with “who, what, where, when and how,” or may be voiced as “Tell me more about...” or “Help me understand...”.

Many questioners find themselves asking questions that start with why. Open questions that start with “why” should be used with caution as these questions can often sound judgmental or blaming.

Summarizing

Summarizing is an effective way to capture the main theme of a conversation. Summarizing can be used to check for accuracy and ensure you understand the speaker correctly. It can also be used to give the speaker a feeling of movement in exploring feelings and content – a sense of moving forward in the conversation.

(e.g.) “Let’s recap the ground we’ve covered so far ...”, or “As I’ve been listening to you, your main concern seems to be ...”.

Active Listening Example

Statement

I can't believe Mary got the day off again. That's the third Friday in a row. I wonder what it takes to get that kind of consideration around here!!

Reflecting Emotion and Content

You're obviously frustrated about Mary getting this Friday off.

Open Questions

What has led you to be frustrated about this?

"Well, I've asked for days off the last two Fridays, and haven't been given any."

How important is getting Friday off?

"Very important! I've been trying to get some family time in. My daughter leaves for a job out of province next Monday, and I want to spend as much time as I can with her before she goes."

Summarizing

"So you really want to maximize your time with your daughter before she leaves town, and you don't feel that you have been accommodated or supported at work the way you, would have liked in the last few weeks."

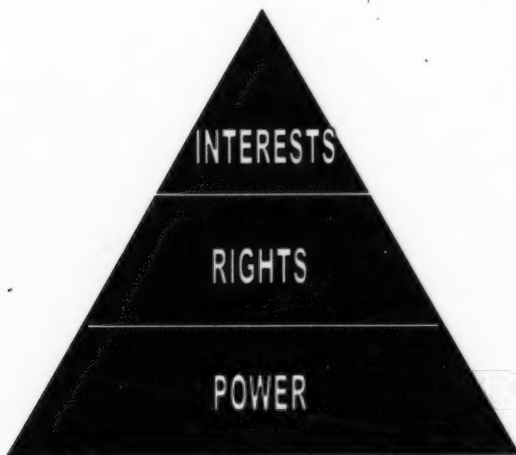
Roadblocks to Problem Solving

If problem solving breaks down or parties become entrenched or “stuck,” check for the following roadblocks. Perceived power, anger and lack of trust are three of the main roadblocks that impact the way people approach problem solving.

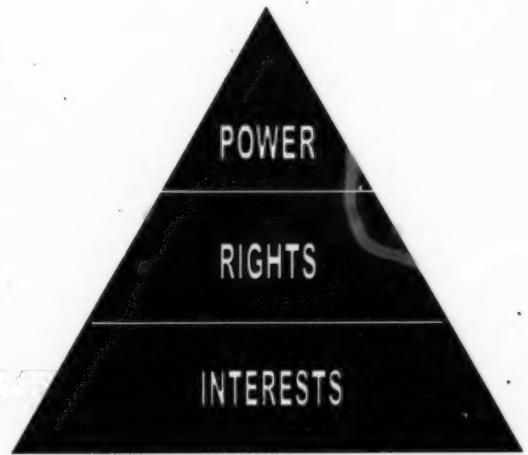
Power

Power can be actual. When, however, you are in conflict and entering into problem solving, it is often more the perception of power that gets you stuck.

Positional Problem Solving



Interest based Problem Solving

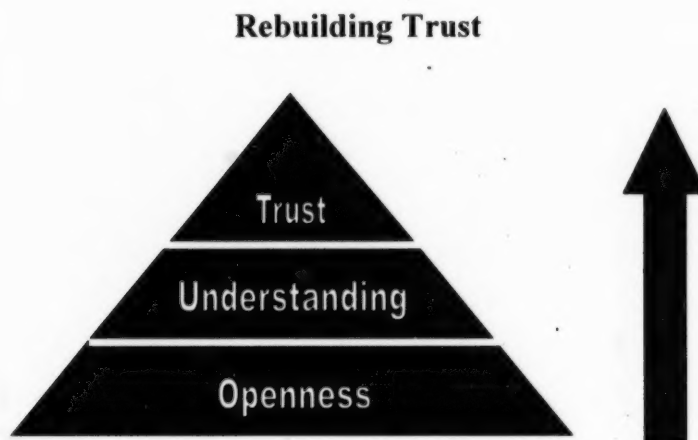
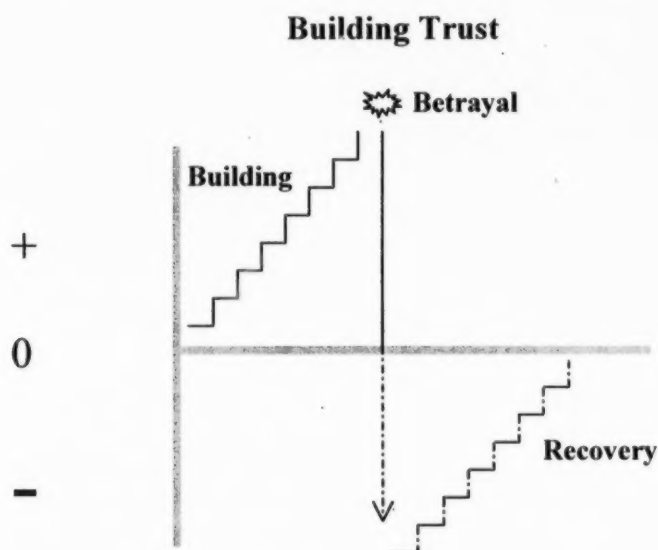


The positional approach to problem solving uses power as one of the most important dynamics when reaching agreement. Little importance is placed on interests.

The interest based approach to problem solving uses interests as one of the most important dynamics when reaching agreement. Little importance is placed on power.

Trust

Trust also plays on the way you respond to conflict. Be aware that if you fall below zero, the rebuilding of trust will take more effort and time than the building of trust above zero. If the rebuilding of trust is to take place, conscientious efforts and a genuine commitment will be needed by both sides.



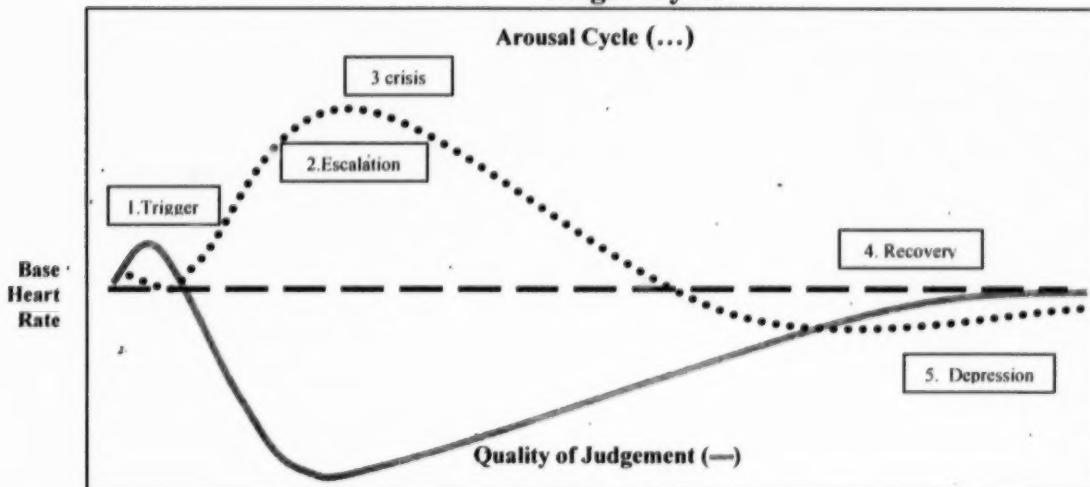
You will need to be open with the other party and allow them to feel heard and understood before you can start rebuilding trust. The open communication necessary in joint problem solving assists the parties involved with feeling heard and understood and can set the stage for rebuilding trust.

Anger

We experience anger in our bodies and our minds. This illustration shows our bodies response to angry thoughts and feelings.

The reality is, based on medical research, that the angrier you are the less blood you have in your brain. This definitely affects the things you say and the choices you make.

Anger Cycle



Stage 1: The Trigger Phase – some event will trigger the cycle. The event may be an external threat or comment, or may be internal such as memory or perceptions.

Stage 2: The Escalation Phase – the body's physiological arousal system prepares for fight or flight. The physiological responses can include: increased respiration; heart rate and blood pressure; increase in tone of voice; and visible muscle tension.

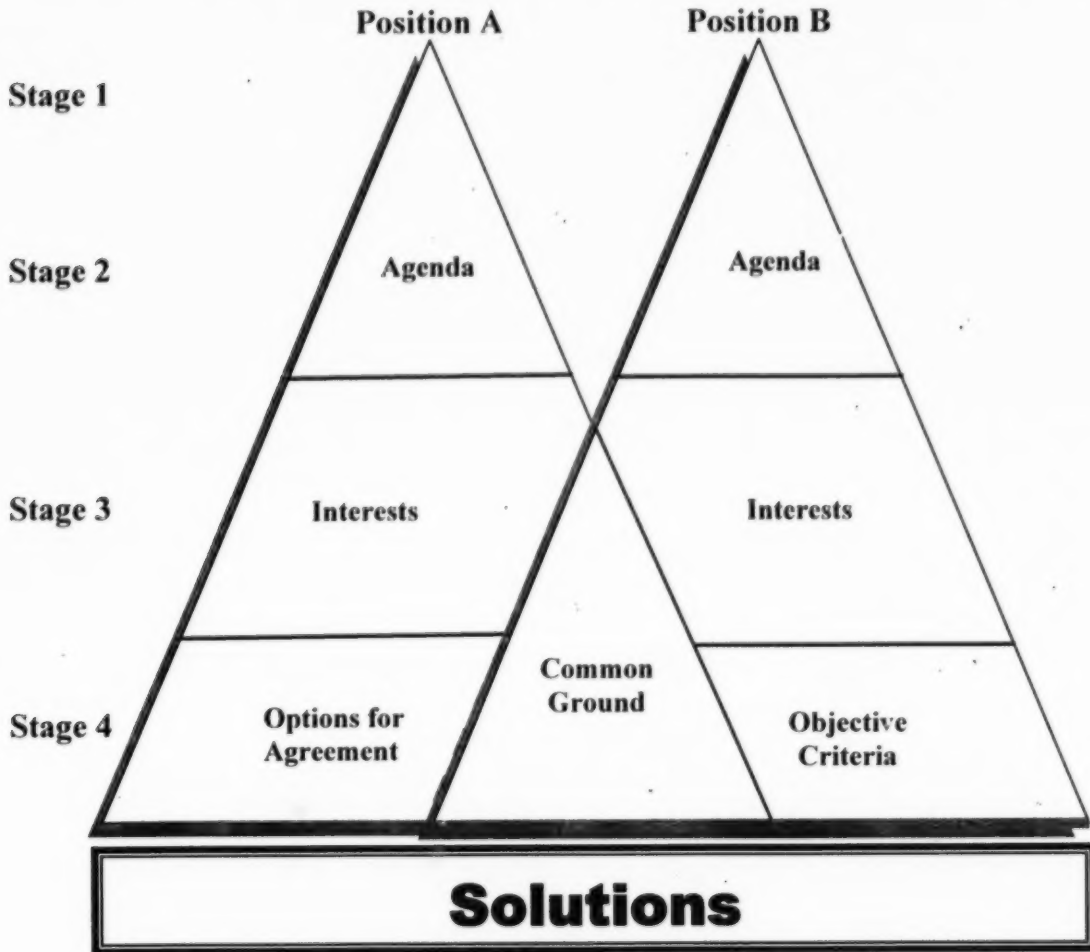
Stage 3: The Crisis Phase – the body is at maximum stress and the person will make an aggressive response. Phase three is considered the "point of no return." At this time, judgment is very poor and rational discussion may be futile. This is a good time to disengage.

Stage 4: The Recovery Phase – the crisis has passed, but the physiological functions are not yet back to normal. Caution must be exercised so as not to provoke another confrontation.

Stage 5: The Post Crisis Depression Phase – physiological functions and quality of judgment have returned to near normal, although the heart rate may remain below normal and depression may set in. Individuals may withdraw or become self-destructive. Parties should be aware that offers for resolution made during this phase may be motivated by guilt rather than attempting to meet parties interests.

Joint Problem Solving Model

Moving from Positions to Interests to Agreement



Position: One party's solution to the problem. A position is a solution.

Agenda: The issues or subject matter of the dispute – those issues that need to be discussed by the parties and that need to be negotiated in order to reach agreement. Agenda items are presented neutrally and can either be shared by the parties or owned by only one.

Interests: The factors that motivate the parties to reach positions – interests, or your needs, goals, fears, and concerns underlie positions. The party's positions are intended to meet their interests.

The Model

Preparation

- Determine your interests and needs, hunch theirs
- WATNA/BATNA* – consider alternatives, yours and theirs

Stage One: Setting the Stage

- Express collaborative approach – positive tone
- Ground rules to be followed for discussion, including commitment to the process and confidentiality.
- Authority for decision making

Stage Two: Building the Agenda

- Form agenda – identify issues/topics to be discussed
- Determine where to start

Stage Three: Exploring and Clarifying Interests

- Gather and exchange information
- Specify your interests and elicit theirs
- Common interests?

Stage Four: Problem Solving

- Generate options – brainstorming
- Determine criteria for fairness, if necessary
- Evaluate options against interests
- Reach agreement – all parties commit
- Be specific about who will do what, where, when and how
- Closure

*Roger Fisher and William Ury, Getting to Yes (Boston: Houghton-Mifflin, 1981)

Resource Material and Evaluation Form

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Glossary of Terminology

Agenda

A list of issues or subject areas for discussion by parties involved in a negotiation or mediation.

BATNA*

“The best alternative to a negotiated agreement.” When realistically assessed and developed, these alternatives help determine whether the agreement is one’s best option, and give one negotiation power or leverage. In negotiating a pay raise, having a firm job offer with higher pay and comparable benefits elsewhere is a powerful **BATNA**.

Body Language

Communication of feelings, attitudes, and intent non-verbally through posture, eye contact, distance, gestures and movements. Congruence between body language and verbal statements gives clarity and emphasis.

Brainstorming

The generation of a wide variety of options for consideration by parties working toward agreement. The emphasis is on quantity and creativity, and the main deterrent to effective brainstorming is a tendency to prematurely evaluate ideas as they are offered.

Common ground

Any needs, concerns or perceptions which parties to a dispute may share. A mediator takes care to emphasize these similar interests and views.

Consensus

Agreement of opinion. Often considered to be something different than what any single party might have desired initially, but which all parties can support.

Conflict

The perceived opposition of needs, values, wishes or perceptions resulting in stress or tension. Conflict is a normal part of every-day life, and can be a positive or negative experience.

Facilitation

Make easier, help move forward, assist

Interests

The needs, goals, fears, concerns or priorities (substantive, procedural or psychological), which should be considered in forming an agreement between parties to a dispute. Interests are the motivators behind positions. A position may be an insistence upon particular boots or eyewear for employees. The interest might be a fear for the safety while performing their duties.

Issue

The subject matter of a difference of opinion: a topic for discussion where differences exist. In a negotiation over a pay raise, a worker's current job responsibilities could be an issue for discussion.

Mediation

A third party intervener who assists disputants to reconcile their differences or resolve their dispute. The mediator facilitates the process and does not impose a solution.

Negotiation

Two or more parties confer with each other, with the purpose of arriving at a mutual settlement of their dispute.

Position

The solution, which a party perceives, will satisfy his or her interests. The positions people take are generated by the interests, which they want addressed. For example, an employee may request a raise in pay (position), when he/she needs recognition (interest) for the extra contribution to the organization after downsizing.

Time Out

To disengage temporarily or withdraw from a highly emotional exchange in order to allow a cooling off period. It may be used when either or both parties are too angry for self-management or problem solving, with the stated intention of re-scheduling to a specific future time.

WATNA*

"Worst alternative to a negotiated agreement". This is the unpleasant outcome if one is unable to negotiate an acceptable agreement. Considering one's WATNA and that of the other party helps to assess whether the agreement is in one's best interest, and may increase commitment toward productive negotiation. A party to mediation may have as his/her WATNA the arbitration process, which can be very costly financially, emotionally and time wise.

Win-Lose Dispute/Compete

Is one in which one of the parties' gains at the expense of the other. The maintenance of the relationship is less important than winning.

Win-Win Conflict/Collaborative

Is based on the idea that most conflicts have several possible solutions, the best one being that which meets the needs of each party to the greatest degree. This approach clarifies the essential problem by encouraging people to communicate their interests. The parties are likely to commit to their agreement since they have actively participated in its creation.

Evaluation Form

Instructor: _____

Dates of Training: _____

1. The organization and format of the session were: Excellent Good Adequate Fair Poor

Comments:

2. Would you recommend this workshop to your colleagues? Yes No Unsure

3. The most helpful part of the workshop was:

4. The workshop would have been better if:

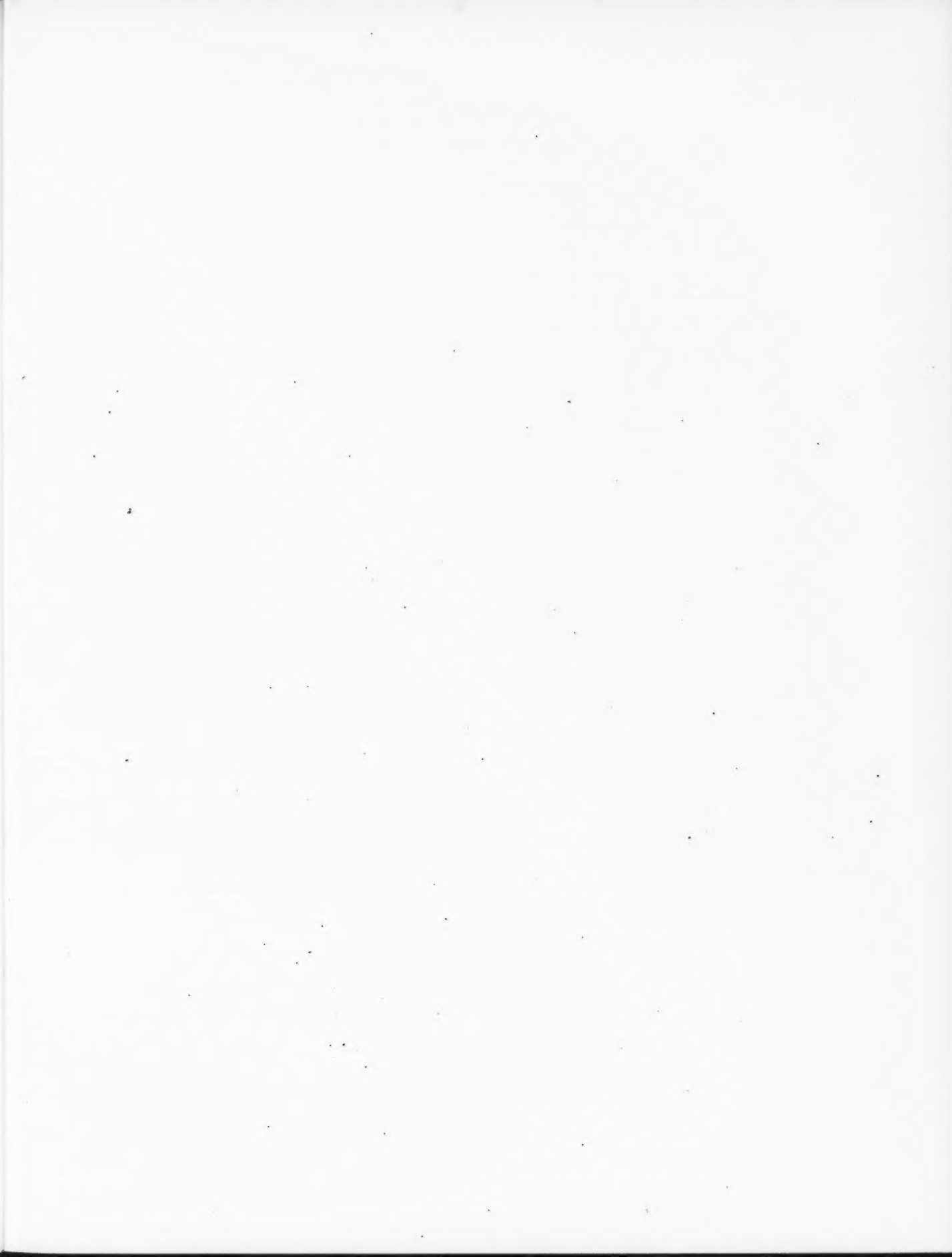
5. The coach you had for afternoon of Day Two was: _____

I found the coach to be: Very Helpful Helpful Somewhat Helpful Not Helpful

Comments:

6. Can the concepts presented at the workshop be applied to your situation at work?

7. Additional Comments:



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